

Public Law 96-457
96th Congress

An Act

Oct. 15, 1980
[S. 1640]

To extend certain authorities of the Secretary of the Interior with respect to water resources research and development and saline water conversion research and development programs, and for other purposes.

Water resources
research and
development,
authorities
extension.
42 USC 7872.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401(a) of the Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is amended as follows:

(a) In paragraph (1) following "September 30, 1980", delete the period, insert a comma, and add "an amount sufficient to provide \$150,000 to each participating institute, on a cost-sharing basis, for the fiscal year ending September 30, 1981, and an amount sufficient to provide \$160,000 to each participating institute, on a cost-sharing basis, for the fiscal year ending September 30, 1982.";

(b) In paragraph (2) following "September 30, 1980," insert "the sum of \$1,000,000 for the fiscal year ending September 30, 1981, and the sum of \$1,000,000 for the fiscal year ending September 30, 1982,".

SEC. 2. (a) Section 401 of the Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is further amended as follows:

(1) in subsection (b) following "\$8,500,000," insert "the sum of \$8,000,000 for the fiscal year ending September 30, 1981, and the sum of \$9,000,000 for the fiscal year ending September 30, 1982,";

(2) in subsection (c) following "\$8,000,000" insert a comma and add "the sum of \$5,200,000 for the fiscal year ending September 30, 1981, and the sum of \$8,000,000 for the fiscal year ending September 30, 1982,"; and

(3) in subsection (d) following "\$1,000,000" insert a comma and add "for the fiscal year ending September 30, 1981, and thereafter, the sum of \$1,000,000,".

(b) The Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is further amended as follows:

(1) in section 402, following "\$14,000,000," insert "the sum of \$14,000,000 for the fiscal year ending September 30, 1981, and the sum of \$17,400,000 for the fiscal year ending September 30, 1982,";

(2) in section 403, following "September 30, 1980," insert "the sum of \$6,500,000 for the fiscal year ending September 30, 1981, and the sum of \$8,500,000 for the fiscal year ending September 30, 1982,"; and

(3) in section 411, following the word "rules" strike from the word "regulations" through the word "prescribed" and substitute "and regulations promulgated".

SEC. 3. (a) Subsection 2(a) of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), as amended, is amended to read as follows:

"(a) The Secretary of the Interior is authorized and directed to demonstrate the engineering and economic viability of membrane and phase-change desalting processes. Such demonstrations shall

42 USC 7873.

42 USC 7874.

42 USC 7882.

Water desalting
processes.
42 USC 7836.

include the study, design, construction, operation, and maintenance of desalting plants at locations in the United States (which may include the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, the Mariana Islands, and the Trust Territory of the Pacific Islands): *Provided*, That at least two such plants shall demonstrate desalting of brackish ground water: *And provided further*, That the plants constructed pursuant to this section shall be for the purpose of showing that the technology being demonstrated is ready for application; such plants shall be sufficient to demonstrate the specific application of the technology, and shall be significantly different in operation and process so as not to duplicate any other demonstration plant constructed pursuant to this section. The Secretary is further authorized to conduct such demonstrations or any portion thereof by means of cooperative agreements (as defined and authorized by 41 U.S.C. 504 et seq. (the Federal Grant and Cooperative Agreement Act of 1977; Public Law 95-224)) with duly authorized non-Federal public entities. Title to demonstration facilities constructed by the non-Federal public entity under a cooperative agreement shall vest in the non-Federal public entity."

(b) Subsection 2(b) of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), as amended, is amended by inserting after "but is not limited to," the phrase, "how the plant being proposed differs from others, if any, already constructed under this section," and further, by deleting all after "ancillary facilities" and inserting the following: "Such report shall be accompanied by a proposed contract (or cooperative agreement) between the Secretary and a duly authorized non-Federal entity, in which such entity shall agree to provide not less than 15 per centum and not more than 35 per centum of the total cost of the demonstration; such cost to include, without being limited to, necessary water rights, water supplies, rights-of-way, power source interconnections, brine disposal facilities, land, construction, ancillary facilities, and the operation and maintenance costs for a period of four years following final acceptance of the construction of the plant from the plant contractor. The contributions of the non-Federal entity under such proposed contract may be in-kind. During the participation by the Secretary in the construction and the operation and maintenance of such demonstration, access to the demonstration and its operating data will not be denied to the Secretary or his representatives. The period of participation by the Secretary in the operation and maintenance of any such demonstration shall be four years. The Secretary is authorized to include in the proposed contract a provision for conveying, as appropriate, and in such amounts as are appropriate, rights, title, and interest of the Federal Government in the demonstration project to the non-Federal public entity."

42 USC 7836.

Proposed contract.

(c) Subsection 2(c) of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), is amended to read as follows:

Appropriation authorization.

"(c) There is authorized to be appropriated, to remain available until expended, for the fiscal year ending September 30, 1978, and thereafter, the sum of \$50,000,000 to finance the total Federal share of the cost of the demonstration plants authorized by this section; such cost to include, without being limited to, necessary water rights, water supplies, rights-of-way, power source interconnections, brine disposal facilities, land, construction, ancillary facilities, and the operation and maintenance costs for the four-year period of Federal participation in such costs."

Contracts.
42 USC 7836.

(d) At the end of section 2 of the Act of August 2, 1977 (Public Law 95-84; 91 Stat. 400), as amended, add the following new subsection:

“(d) When appropriations have been made for the commencement or continuation of design, construction, or operation and maintenance of any demonstration plant authorized under this Act, the Secretary may, in connection with such design, construction, or operation and maintenance, enter into contracts and cooperative agreements for miscellaneous services, for materials and supplies, as well as for construction, which may cover such periods of time as the Secretary may consider necessary but in which the liability of the United States shall be contingent upon appropriations being made therefor.”.

Repeal.
42 USC 7836
note.

SEC. 4. Section 205(c) of the Water Research and Development Act of 1978 (Public Law 95-467; 92 Stat. 1305) is hereby repealed.

Approved October 15, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-989 accompanying H.R. 5340 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 96-773 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 126 (1980):

June 3, considered and passed Senate.

Sept. 22, 23, H.R. 5340 considered and passed House; passage vacated and S. 1640, amended, passed in lieu.

Sept. 24, Senate concurred in House amendment with an amendment.

Sept. 30, House concurred in Senate amendment.